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# PUBLIC LANDS

BUREAU OF LAND MANAGEMENT





# OUR PUBLIC LANDS . . .



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Fred A. Seaton, Secretary  
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*"Conservation is a state of harmony between men and land. By land is meant all of the things on, over, or in the earth. Harmony with land is like harmony with a friend; you cannot cherish his right hand and chop off his left. That is to say, you cannot love game and hate predators; you cannot conserve the waters and waste the range; you cannot build the forest and mine the farm. The land is one organism. Its parts, like our own parts, compete with each other and cooperate with each other. The competitions are as much a part of the inner workings as the cooperations. You can regulate them—cautiously—but not abolish them."*

(From "Round River—From the Journals of  
Aldo Leopold," edited by Luna B. Leopold,  
Oxford University Press, 1953.)

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### COVER

The history of the development of the western United States is marked by a number of major events that drew thousands of people in mass "rushes"—including the discovery of gold in California and the great Oklahoma Land Rush. The cover photo, taken of Oklahoma Territory, October 3, 1893, shows one of the jumping off places at the time the opening of the Cherokee Outlet. For more of this story see page 4.





## BLM CLOSES ARKANSAS OFFICE MOVES MINNESOTA OFFICE

**T**HE Bureau of Land Management has closed its Russellville, Arkansas, field office and moved its Bemidji, Minnesota, office to St. Paul.

The new office will provide close coordination with the Minnesota State government and supervision and management of some 80,000 acres of public domain lands in Minnesota, Wisconsin, and Michigan.

The Russellville office was set up in 1952 under the Bureau's Eastern States office to manage some 112,000 acres of public domain land in Arkansas.

In 1954 the Russellville office undertook a program to classify the remaining public domain lands for sale to private ownerships and local

governments. It has completed disposing of some 200,000 acres of public domain lands in Arkansas, Alabama, Florida, Louisiana, and Mississippi. Most of the lands were sold at competitive bid sales. Some lands were sold to States, counties, and local governments for recreational development and other public purposes.

The area of public domain lands involved were largely scattered, isolated tracts of federally owned lands which could not be used by the Federal Government. The Federal Government received more than \$2 million for them.

Although there are still some minor acreages

(Continued on page 14)

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COVERED WAGONS make their way across the Salt Fork River. More than a hundred wagons are visible in the picture. Railroad tracks are located just above the wagons in the foreground and a railroad bridge at right.

# LAND RUSH

## at the Opening of the Cherokee Outlet

*Editor's note: this account of the opening of the Cherokee Outlet, September 11-19, 1893, at Perry, Okla., is taken from the Annual Report of the Commissioner of the General Land Office for fiscal year 1894. The Report is signed by S. W. Lamoreux, Commissioner.*

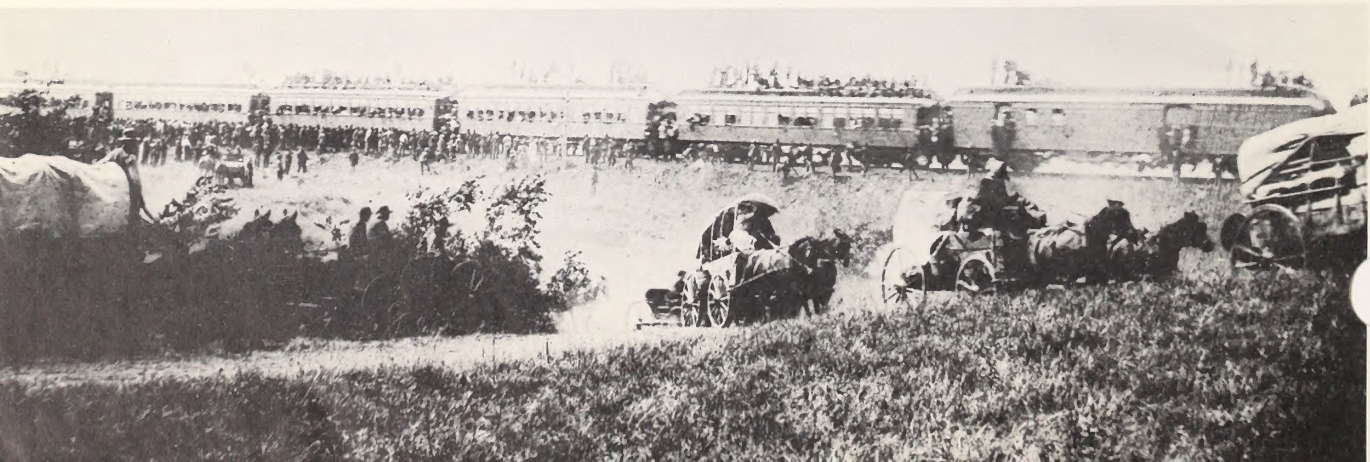
ONE of the most important duties which this office has been called upon to perform during the fiscal year just ended was the work in connection with the opening of the Cherokee Outlet.

The act of March 3, 1893 (27 Stat. 612), which made provision for the disposal of the lands in the Outlet, modified in some particulars the pro-

visions contained in the treaty which had been negotiated with the Indians, and it was not until May 17, 1893, that the final act of acceptance by the Indians was performed by the execution of a formal contract in pursuance of the provisions of the act. No steps could be taken looking to the opening of the lands until this contract had been made, but immediately thereafter special agents were detailed to make the examination necessary to determine the number of counties which should be erected in the Outlet and the tracts suitable for county seats, which were to be reserved, under the terms of the act.

The Outlet, which, excluding existing Indian reservations, contains nearly 6,500,000 acres, was

ALL ABOARD FOR PERRY! The caption on this picture reads "First train leaving the line north of Orlando for Perry, Sept. 16, 1893."





divided into 7 counties. Some difficulty was found in selecting proper sites for the county seats, as the act accorded certain of the Cherokee Nation of Indians the privilege of selecting allotments to the number of 70 upon the lands prior to the opening. There was considerable delay by the Indians in making these selections, and when made it was found upon examination that they covered in several instances the most desirable sites for the county seats, and it became necessary to select other sites.

The act contained a provision that had apparently been inserted for the purpose of allow-

Many suggestions were made as to the desirable modes of procedure in opening the lands, and they were given due consideration, but most of them were impracticable because they infringed upon the privileges given by the homestead and townsite laws, under which, by the terms of the act, the lands were subject to disposal. After careful deliberation, regulations prescribing the manner of entering upon the lands, which appeared to be the best that could be devised under the limitations found in the act to which I have referred, were prepared and incorporated in the President's proclamation. This proclamation was



DOING A LAND OFFICE BUSINESS. The caption reads "In Line at the Land Office, Perry, September 22, 1893, 9 o'clock a.m., waiting to file."

ing the adoption of some method which would prevent parties who were not qualified to make entry of the lands from entering upon and occupying them, and which read as follows:

"No person shall be permitted to occupy or enter upon any of the lands herein referred to except in the manner prescribed by the proclamation of the President opening the same to settlement."

issued by the President on August 19, 1893.

Nine booths were established under these regulations in convenient places—five on the northern and four on the southern border of the Cherokee Outlet—at one of which each party desiring to enter upon the lands of the Outlet were first required to appear and to make a declaration showing his or her qualifications to make entry of the

(Continued on page 12)





# THE CONSERVATION JOB

## . . . education . . . access to public lands

from remarks by EDWARD WOOLEY, Director, BLM, at 1959 Conservation Week, Utah State University

**T**HE job of informing people everywhere about conservation is a seemingly endless one, but one which I am sure you will all agree is becoming more and more important every day. Major efforts to educate and inform the public about conservation are going on along many fronts. We in the Bureau of Land Management have recently had occasion to share and assist in three such programs being carried out by private citizen organizations at the national level. And I might take this opportunity to give all three of them a pat on the back.

One of these will take the form of a conservation education program to be held for some 50,000 Boy Scouts who, in July 1960, will hold their National Jamboree outside Colorado Springs, Colo. In this unique training for citizenship, young men who will be tomorrow's community leaders will participate in a program to inform them about resource conservation. They will experience practical demonstrations covering a host of subjects including forestry, fish and game, geology and mining, soil, water, weather, and range and grasslands. Some 20 private and public organizations and agencies are sharing in this project—reflecting and emphasizing the cooperative nature of successful conservation programs.

Just 3 weeks ago another important national conservation education program was encompassed in National Wildlife Week under the sponsorship of the National Wildlife Federation. As you know, the theme of this year's program was "Conservation in the Schools." This program, however, did not and cannot end with the closing of Wildlife Week, because conservation education must go on every day and one of the most important places for this educational program is in our schools.

Another program of national significance for conservation education that is now taking shape would establish a nationwide system of outdoor natural resources laboratories under the sponsorship of the United States Junior Chamber of Commerce. This program which is now being worked out with the help of both private and public resource agencies would provide conservation demonstration areas at the local, grassroots

level. These kinds of important conservation education programs will play an important role in educating all of the people to the importance of conservation in all of our lives.

In the last few months the Bureau has also had the opportunity to discuss a number of important conservation matters at three other major meetings of the American National Cattlemen's Association, the National Wool Growers Association, and the American Mining Congress. In all of these meetings many of the same conservation subjects were discussed.

I have been using a word in my remarks so far that I have not yet defined. That word is "conservation." Perhaps, now, I should tell you what I think conservation means. And I would have begun by saying that I know few people can fully agree on this subject. The lack of agreement leads me directly to my definition of conservation.

To me, conservation means "balanced" land and resource use and ownership. In this connection I have always been impressed with the definition of conservation written by the late Aldo Leopold, a man whose reputation as a leader in conservation is known to all of you. Talking about conservation, Leopold said that "Conservation is a state of harmony between men and land. By land is meant all of the things on, over, or in the earth. Harmony with land is like harmony with a friend; you cannot cherish his right hand and chop off his left. That is to say, you cannot love game and hate predators; you cannot conserve the waters and waste the range; you cannot build the forest and mine the farm. The land is one organism. Its parts, like our own parts, compete with each other and cooperate with each other. The competitions are as much a part of the inner workings as the cooperations. You can regulate them—cautiously—but not abolish them."

In effect, conservation or if I may use another word for it, balanced use, is the process of working very hard to be able to "have your cake and eat it, too" while knowing full well that the goal is not always attainable, but nevertheless working toward it anyway. Sometimes our inability to achieve all of our conservation goals at the same time takes the form of sharp controversy and



gry words. As I see it, the specific results of individual controversies should always be placed in perspective of the overall, long-term goal. This is often a very difficult job but one which we in the Bureau of Land Management take very seriously.

The Taylor Grazing Act specifically provides that the public domain lands being administered for grazing purposes shall remain open to hunting and fishing. The Bureau of Land Management has always carried out this policy and has never condoned action by its permittees or licensees leading to the deliberate blocking of access to the public lands. At the same time, the Bureau has been required to recognize the rights of individual landowners whose properties may surround parts or all of the public domain lands.

In further clarifying the Bureau's policy concerning access to the public domain, it is important to point out that there are several types of such lands. Large blocks of public land are to be found within the organized grazing districts and they are usually subject to more intensive management and development, both for use of the range and for the forest and mineral resources contained therein. Outside organized grazing districts, and usually not under intensive management, are to be found a large number of scattered, isolated tracts of public domain, many of which contain only 40 to 80 acre units. In analyzing our access problem, it is, therefore, important to relate it to the pattern of public domain concerned.

In the first instance, where the public domain is to be found in larger blocks and is under more intensive management, Bureau policy will require the following steps to be taken in providing access to the public lands. First, every effort will be made by the Bureau of Land Management to obtain the cooperation of local sportsmen's groups, private landowners, permittees and licensees, State game and fish commissions, and the general public in working out free access to the public lands. In taking such action, it is imperative that all of the parties concerned recognize the rights of private landowners in respect to the protection of their property. This method of obtaining free access has been successfully used in the past. We believe that all in all it is the soundest approach to the problem.

A second approach consists of reciprocal rights-of-way agreements being negotiated between private landowners and the Bureau of Land Management. This method, however, is most applicable in cases where both the Federal Government and the private landowner have a resource which both of them desire to utilize and are willing to negotiate for rights and interests in rights-of-way. Closely related to this method is the construction and maintenance of access roads by the Bureau. While the most costly type of road has been built on the O. & C. lands, many miles of low-cost access roads have been constructed on

the open rangelands of the public domain. All of these roads are open to the public under conditions which are not inconsistent with the purposes for which they were built.

A third approach is through the execution of exchange-of-use agreements and the actual exchange of lands. These methods have been frequently used. Once an exchange has been negotiated, resulting in free and open access to the public domain, the results are more permanent and satisfying to all concerned.

When the above approaches have failed to obtain the required public access, then rights-of-way can be condemned either by the State, county, or Federal Government. This method will be used by the Bureau but only after it has been unsuccessful in obtaining rights-of-way through the more acceptable methods of negotiation and cooperation.

The matter of obtaining rights-of-way across private lands to the scattered and isolated public domain outside organized grazing districts presents a different type of problem. These tracts, being isolated and less than 1,520 acres in size, are subject to application for purchase under the provisions of the public sale act. They are, likewise, more often sought after by the general public under the provisions of Section 15 of the Taylor Grazing Act. These provisions provide a preference right for a grazing lease to an adjoining owner or to one who has a demonstrated need in connection with his livestock business.

The management of these isolated tracts for grazing or forestry purposes is more extensive in nature and largely rests upon the cooperation of the lessee. Also, in comparison with the larger blocks of public domain within the grazing districts, it must be recognized that these small, isolated and scattered tracts seldom provide a large population of game animals.

I am sure that you would agree that it would not be practicable to expend either sportsmen's money, State funds, or to use arbitrary condemnation proceedings to acquire access across large areas of private land into these small scattered tracts. However, there are some exceptions, notably in those instances where these tracts may afford the only public access to streams or lakes. In such instances, cooperative efforts to obtain rights-of-way would certainly be in the public interest. We have found that in cases like this it has been possible to stimulate the interest of a local governmental unit in acquiring the lands under the provisions of the recreation and public purposes act. In any event, these types of key tracts would be retained in some type of public ownership under the provisions of the Bureau's recreation policy.

In carrying out effective programs for balanced land and resources use, the BLM constantly works toward the application of multiple-use

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# HOW WE ACQUIRED OUR LANDED ESTATE—PART 3



by KARL S. LANDSTROM, formerly Lands Officer, BLM

**A**MERICAN Indians or Indian tribes originally occupied or claimed most of the lands embraced in the treaties and purchases of the United States. At the time of acquisition from other powers, Indians were largely in possession.

In the later stages of westward migration, Indian claims to land were customarily settled by means of treaties with the tribal authorities. The treaties usually provided for areas to be reserved to Indian possession.

The total cost of Indian land claims is unknown, but it is known that it far exceeds the cost of payments to other countries. Several lawsuits against the United States on account of Indian land claims have been settled in recent years. Other large claims were pending in 1958.

An example of an Indian land claim is that of the *Alcea Band of Tillamooks, et al. v. The United States*, involving 2,772,580 acres. The lands are located in the coastal areas of Oregon. Suit was brought under the act of August 26, 1935 (49 Stat. 801), which gave the Court of Claims jurisdiction over this class of cases.

The court had decided on April 2, 1945 (103 C. Cls. 494), and it had been affirmed by the United States Supreme Court (329 U.S. 40) that four of the tribes had proved their original Indian title and that the taking of the lands by the United States had been involuntary and uncompensated. Judgment was entered on January 3, 1950, for the tribes under the provisions of the Fifth Amendment to the Constitution of the United States (115 C. Cls. 463). The amount awarded was measured by the appraised value of the lands as of the date they had been taken, plus reasonable interest, offset by the value of the tribes' interests in the reservation lands allotted to them as of the date the lands were taken and less the equivalent of gratuities from the United States to the tribes over the years to the latest date of accounting.

The court set the value of the lands taken at \$1.20 an acre as of November 9, 1855. The rate of interest on the amount due was fixed at 4 percent from 1855 to 1934 and 5 percent thereafter.

The total amount due the four tribes, with interest, less offsets, was fixed by the Court of Claims at \$16,515,604.77, to which certain additional in-

terest was to be added until the date of payment.

On reversal by the United States Supreme Court (341 U.S. 48), final judgment was entered by the Court of Claims on May 1, 1951 (119 C. Cls. 835) at \$2,259,986.80.

Alaska was claimed by Russia on the basis of voyages by Vitus Bering in 1728 and 1741. After Bering's second voyage, Russian fur traders advanced along the Aleutian Islands. A Russian trading corporation, the Russian-American Company, took domination over Russian America in 1799 under a series of 20-year concessions.

During the Crimean War in 1855, Russia feared that Great Britain might seize Russian America. The area was offered to the United States, but the offer was refused.

The legislature of the Territory of Washington memorialized President Andrew Johnson in 1855 to acquire the Russian territory in Alaska. A treaty of purchase was signed in 1867 by Secretary of State William H. Seward for the United States and Baron de Stoeckl for Russia. The purchase price was \$7,200,000, or approximately 2 cents an acre, for 375,296,000 acres of public domain.

Formal transfer was made at Sitka to Major General L. H. Rousseau, the United States Commissioner, on October 18, 1867.

The early progress made by Russians in Alaska may be traced today by viewing the remaining Russian Orthodox church buildings, wooden framed and turnip topped. The monuments are found at Unalaska, eastward along the Aleutians, in the Kodiak-Afgonak Island group, and at Sitka, which was the last capital of Russian America.

Thus was completed, in 1867, the acquisition of public lands of the United States.

The public domain did not include lands within American insular possessions. The Territory of Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and other islands in the central Pacific have laws for the administration and disposition of their public lands.

Acquired lands are distinguished from public domain in that they have been acquired by the United States by purchase or gift or condemna-

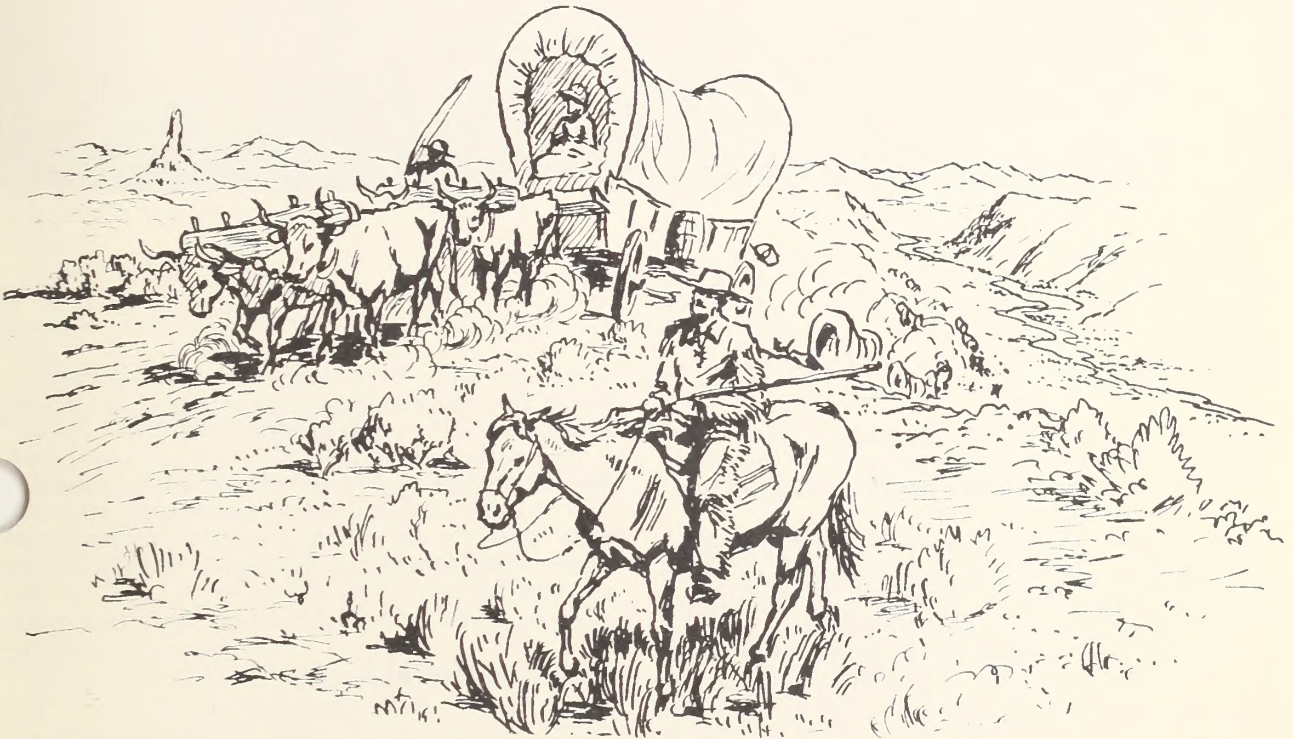


tion from individual landowners or from the States in individual transactions not embodied in the major acquisitions of public domain.

The desirability of Federal purchase of privately owned lands to supplement public domain reserved in national forests first arose about 1901. The subject was debated in the Congress beginning in 1909. Advocates stressed the importance of forest management in the control of runoff and hence control of floods and navigation resources. Purchases were proposed in Eastern States where there was no public domain. Opposition was based on such grounds as interference with pri-

are in New Hampshire, Vermont, Pennsylvania, Michigan, Minnesota, and Wisconsin. Purchases of forest lands in the Western States are small in relation to the area of national forest consisting of reserved public domain.

An important acquisition of Federal lands was that of the revested Oregon and California Railroad lands, known as the O. & C. lands. Title to almost 3 million acres of forested lands was re-vested to the United States by an act of the Congress in 1916. The railroad company was paid a price of \$2.50 an acre for the lands on the basis that it had been the intention of the Congress in



vate ownership, cost, and constitutional authority. An authorizing act, known as the Weeks Act, was adopted in 1911. Purchases under this act were limited to lands necessary to the protection of the flow of navigable streams.

The act established a National Forest Reservation Commission, consisting of the Secretaries of War, Interior, and Agriculture, and two members each of the House and the Senate. The commission approves the price and acreage of all tracts acquired under the authority of this act.

The Clarke-McNary Act of 1924 broadened the authority to include purchase of land in the watersheds of navigable streams for timber production as well as for regulation of streamflow.

The United States Forest Service, as of June 30, 1956, administered 27,960,067 acres of acquired lands of the United States. Much of this area is in States from Texas eastward to Virginia, including Missouri and Kentucky and States south of them. Some of these acquired forest lands

the prior land grant to have given the company a grant of that amount.

A different form of Federal land purchase consisted of purchase of farmlands in sub-marginal uses during the 1930's. Purchases were made under various funds established by the emergency relief acts, the Agricultural Adjustment Act, and later the Bankhead-Jones Farm Tenant Act of 1937. The purchases under this group of programs included some 11 million acres. Nearly half of these lands were in the northern part of the Great Plains.

A special form of land purchase requirement is that for military purposes. Such purchases during the Second World War aggregated some 7 million acres. Other lands were leased.

The Department of Defense, for military purposes, held for the United States 7,675,275 acres of acquired lands as of June 30, 1956. For civil functions of the Corps of Engineers, the area of

(Continued on page 15)





## FIRST STEP

Regulations under which Alaska will select more than 103 million acres of federally owned lands which it was granted upon admission to the Union have been announced.

The Alaska statehood legislation did not specify the lands which will be transferred to State ownership and the new State will have 25 years during which to select the granted lands.

The regulations spell out the procedures which the new State must use. The regulations comply with the Alaska Statehood Law and give the details by which the Department of the Interior will handle State selections.

## CORRECTION

Data on the area of federally owned lands were incorrectly shown on page 16 of the last issue of OUR PUBLIC LANDS as being "as of June 30, 1958." The figures given were "as of June 30, 1957."

## TIMBER CUT HITS BILLION MARK

A 104.9-million board feet increase in the annual allowable cut of timber for the revested Oregon and California Railroad grant lands in western Oregon has been announced.

New forest inventories completed by BLM foresters have made possible an increase in the allowable annual cutting rate from 769.3 to 874.2 million board feet. This latest increase is the

ninth since the base annual cut of 500 million board feet was established when the O. & C. Sustained Yield Act was passed in 1937.

An estimated additional 125.8 million board feet of salvage and other material not chargeable to the new allowable cut base would bring the total 1960 cut to approximately 1 billion board feet. This is enough timber to build 100,000 average homes.

## GRAZING RENTALS

Rentals for grazing leases on Bureau of Land Management lands outside established grazing districts will be raised under an order announced by the Department of the Interior.

The revised grazing lease rentals affect so-called section 15 lands involving approximately 16 million acres of federally owned lands.

Grazing lease rental increases range from 1 mill to 28 cents per acre per year, on a sliding scale based upon the grazing capacity of the lands.

The administration of section 15 lands involves grazing use by about 2½ million domestic livestock plus a substantial number of big game animals.

Gross receipts to the U.S. Treasury during the last fiscal year from section 15 grazing amounted to approximately \$382,000.

"Section 15" refers to the part of the Taylor Grazing Act under which authority BLM manages and administers certain grazing lands outside grazing districts.



## **S LEASING RESUMED**

Competitive oil and gas leasing in the submerged lands of the Outer Continental Shelf is scheduled to be resumed at a leasing bid sale on May 26, covering some 458,000 acres of lands off the Florida coast. The new leasing is the first such mineral leasing for lands off the Florida Keys, and is the first Outer Continental Shelf leasing by the Federal Government since July 1955.

Competitive bids will be opened for a total of 80 tracts in the Marquesa area off the southwest coast of Florida. The minimum bonus bid will be \$10 an acre.

This is the fifth OCS sale scheduled. A sale scheduled in 1956, however, was not held because of legal action taken in the courts to clarify the boundaries of the Outer Continental Shelf. That issue is now pending before the United States Supreme Court. The area now to be leased is not involved in the Outer Continental Shelf boundary dispute.

Since the beginning of offshore leasing by BLM in fiscal year 1955, gross receipts from OCS leasing have exceeded \$300 million in rents and bonus bids.

## **PUBLIC LAND DEVELOPMENT**

A bill has been sent to the Speaker of the House which would permit public lands to be sold for industrial and urban development. Under terms of the bill the Bureau of Land Management could sell up to 1,280 acres of unreserved public domain land to private firms or individuals or local governmental agencies.

The "Public Land Urban and Business Sites Act" would be the first major new concept relating to acquisition of public lands since the Small Tract Act was passed in 1938. In all cases land sold under this bill would not be sold for less than the fair market value of the land. The bill would not apply to the national forests, national parks, wildlife areas or certain other lands in reserved status.

Two present gaps in the public land laws would be filled by the proposed legislation. At the present time the Government usually may not sell more than 5 acres of public land to an individual purchaser for commercial or industrial development. Also, there is no means for making land available for urban and suburban residential development other than on a parcel-by-parcel basis.

The need for making public land available to private industry has become pressing in recent years. Secretary of the Interior Fred A. Seaton pointed out that many western public land areas with favorable climatic conditions are in demand, especially for electronics, aircraft, and missile

plantsites. In the past, industry has had to rely on exchange of private lands for the public land which they needed.

A similar need has been felt in many expanding western communities for land for planned urban and suburban development. The proposed bill would permit local government agencies to buy up to 1,280 acres of public land for a program in any 12-month period. No sale would be made until the agency had a development program and had demonstrated the "bona fide intention, authority, and means to develop the lands."

Qualified private developers could also obtain land under the proposed bill. However, sales would be made to private firms or individuals only after consultation with local government agencies.

Asked what safeguards were in the proposed bill to prevent speculation in public lands, Secretary Seaton explained that the bill would never permit the sale of lands for less than their fair market value. The Government would always appraise the land and if they are to be sold to private developers, they would be sold only under competitive bidding. Furthermore, the Government must classify the lands as chiefly valuable for this type of sale, which will fully protect the public interest from speculative operators. Final decision on any sale rests with the Secretary of the Interior.

## **ALASKA WITHDRAWAL ATLAS**

A technical atlas of "Alaska Federal Land Withdrawals and Reservations" has been prepared and published by the Bureau of Land Management. The atlas has 60 plates 22" x 20" showing the location and boundaries of Federal land withdrawals and reservations as of June 30, 1958.

Copies of the atlas, printed in two-color overlay maps, are available from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., at \$5.25 a copy. All orders and remittances should be sent directly to the Superintendent of Documents.

A "checklist" of public land orders affecting lands in Alaska is also being published to accompany the atlas. Copies of the "checklist" will be available in a few months.

## **EFFICIENT ADMINISTRATION**

Secretary of the Interior Fred A. Seaton has announced departmental sponsorship of proposed legislation to provide authority for more efficient public land administration.

Embodying a 5-point program to improve administration of the public lands, the proposed bill as submitted to the Congress applies to all lands

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## LAND RUSH

(Continued from page 5)

lands, or to settle upon a town lot, upon which a certificate was issued to each party found entitled to the same, permitting him or her to enter upon the lands after the day and hour named in the President's proclamation as the time when said lands would be open to settlement and entry.

Declarations of four forms were provided, as follows:

Form A, for use by a party intending to make a homestead entry; form B, for a party intending to file a soldier's declaratory statement in person; form C, for a party who intended to file a soldier's declaratory statement as agent for the soldier; and form E, for a party intending to occupy a town lot. Certificates of form D were issued to parties making declarations upon forms A, B, and C, and of form F to parties making declarations upon form E.

Special agents of the Department made the preliminary arrangements for the booths, and they were opened on September 11, 1893, at 7 a.m. in charge of clerks who, to the number of 45, had been detailed from this office for such work. They were kept open to the public from 7 a.m. to 6 p.m. each business day until they were discontinued by a telegram from the honorable Secretary, dated September 19, 1893.

Soon after the booths were opened it became apparent that the force detailed for the work was insufficient to supply all applicants for certificates before the time fixed for the opening of the lands, and it was strengthened by the employment of parties selected largely from the crowd of applicants assembled before the respective booths.

New booths were also constructed at the point where the crowds were greatest, and every effort was made to expedite the process, with the result that when the hour for opening the lands arrived every applicant who had appeared at the booth and been found entitled to a certificate had received one.

The magnitude of the work can be realized when it is considered that about 115,000 certificates were issued at the 9 booths, and the difficulty of properly estimating the quantity of work in advance is readily seen when it is remembered that the lands to be opened, after deducting the reservations and allotments, contained an area sufficient to make less than 40,000 homestead claims of 160 acres each, and the greater part of the western half of the Outlet was known to be unsuitable for homesteads on account of its aridity. It will thus be seen that the certificates numbered nearly three times the claims upon which they could be used.

The unprecedented and unexpected rush of applicants was due in part to the extensive advertising of the railroad companies and the misleading statements of the public press as to the quality of the lands and the methods of obtaining title thereto. In addition to the excess over the expected number of applicants at the booths, the work was rendered more difficult by the excessive heat and prolonged drought which continued during all the time the booths were open and for more than a week after the lands were opened to settlement. Suffering among the crowd of applicants, numbering as many as 20,000 at some of the points, was unavoidable under the circumstances.

Congress made no special appropriation to meet the expenses of the opening of the Outlet, and the limited amount which could be spared from the

**LINED UP.** On the morning of September 11, 1893, thousands of people lined up to register at the booths. This line stretches all the way to the horizon (arrow).







**OKLAHOMA OR BUST.** This picture is a mural on a wall in the Department of the Interior building in Washington, D.C. Painted by John Stuart Curry in 1934, the work is titled "The Oklahoma Land Rush, April 22, 1889." The mural is almost lifesize.

contingent fund of the Department for that purpose prevented preparations beyond what appeared to be actually necessary.

The plan adopted was, in the face of the great difficulties which have been mentioned, carried to a successful conclusion, and in his report to the Department, dated November 3, 1893, the Governor of Oklahoma, who is in every way a competent judge in the matter, states "That the booth system has done a vast amount of good in keeping out illegal claimants and will long continue to do so. The difficulty experienced in registering at the booths was far overbalanced by the check it was upon fraud." I am satisfied, therefore, that the booth system was the best which could have been devised under the law governing the opening of the Outlet, yet it was not entirely satisfactory, and it is to be hoped that when further large tracts of land are to be opened there will be such provisions made by Congress as will prevent the unseemly rush which has occurred at all openings of large tracts of land during the past 5 years.

The Outlet was divided into four land districts, and land offices were established at Perry, Enid, Alva, and Woodward. Within a few minutes after 12 o'clock noon, central standard time, September 16, 1893 (the time fixed for the opening of the lands), lines formed before each of the district land offices, and those at Perry, Enid, and Alva rapidly grew in length by the arrival of more applicants, until there were over 5,000 people in line at each of those places waiting to make homestead entry. Many weeks elapsed before the lines were broken, but it is believed that no applicant was prevented, by reason of inability to reach the land office because of the crowd, from filing his homestead application within 3 months from the date of settlement, as required by the homestead law.

Up to July 1, 1894, 21,193 homestead entries and 1,326 soldier's declaratory statements had been placed on record at the land offices in the Outlet. To form an adequate idea of the increase of work at this office caused by the opening of the said lands it is but necessary to remember that there were only 129,000 entries of all classes made in all the States and Territories during the fiscal year which ended June 30, 1893, and the entries made in the Cherokee Outlet alone, since the opening of said lands, amount to nearly one-sixth of the total number for the preceding year. In addition to the entries which have been allowed, it is estimated that there are at least 5,000 cases which will need action by this office, because of a question as to the rights of the respective applicants, or because of conflicting claims to the same tract, before the entries can be allowed.

In addition to the 7 towns which have been established upon the lands reserved in the Outlet for county seats, over 30 towns have been established upon lands embraced in homestead entries, and applications made to commute such entries for townsite purposes under the provisions of section 22 of the act of May 2, 1890 (26 Stat., 81). Some of the towns in the Strip have already reached a population of over 5,000 and quite a number have over 1,000 inhabitants. Numerous contests have been initiated before the townsite trustees of the more thickly settled towns. These appear to have been unavoidable in the rush for desirable lots by people who had faith in the future of the towns, but there will not be the delay in determining the rights of the respective claimants at this office which necessarily followed in regard to the lands previously opened to settlement, owing to the uncertainty as to how the Supreme Court might decide the question whether or not the de-





**A RACE FOR LAND.** Opening of the Cherokee Outlet, 1893. This photograph is in the collection of the Oklahoma Historical Society

cision of the townsite trustees was final and binding upon the Land Department, because by its decision of November 20, 1893, in the case of *McDaid et al. v. Territory of Oklahoma*, that question was settled and appeals from the decisions of the townsite trustees can now be rapidly taken up and decided. **End**

## ARKANSAS OFFICE

(Continued from page 3)

of public domain lands in these States, most of the lands are tied up in complicated color-of-title claims. The remaining work dealing with these States has been transferred to the remaining field office in the southeast at New Orleans, La. The New Orleans office will take on this work in addition to its regular job of managing mineral leasing on the submerged lands of the Outer Continental Shelf.

The work of the Russellville staff was recognized by a unit award for meritorious service in 1958. **End**

There are only 250 full-time farmers in the State of Alaska and 18,000 acres under cultivation. Most of the 328,000 acres patented under the homestead laws have been abandoned.

## THE CONSERVATION JOB

(Continued from page 7)

management. BLM certainly has the most complete legislative base for multiple-use management of any Federal agency. The management of public lands and resources on the unreserved public domain requires a high order of multiple-use management skills, balancing a wide variety of uses and keeping those uses in harmony.

The complexities of public land and resource conservation and management take constant attention to the application of sound principles for balanced use. It is a big job and it is a job which the Bureau of Land Management cannot do alone. It takes the cooperative efforts of everyone who is directly affected along with the hard work of educating a much larger number of people.

If the Nation's public lands and resources are to continue to play an important role in the Nation's economic and community development, we will from time to time need to apply new standards and new criteria governing the things we do. Balanced conservation programs cannot be static and, above all, they cannot fail to grow as the Nation grows in population and economic wealth. In this growth, conservation programs will cut across every facet of our lives, from the natural



physical resources to the less tangible national assets involving public recreation and the full enjoyment of the outdoors. The challenges are there, and with everybody's help we will meet them. **End**

## OUR LANDED ESTATE

(Continued from page 9)

acquired lands held on that date was 3,647,999 acres.

Few purchases of privately owned lands were made to provide lands for Indian use before 1934. The Indian Reorganization Act, adopted in 1934, provided funds for land purchase and authorized the use of Indian tribal funds for that purpose. More than one million acres have been purchased for the use of Indians. The Bureau of Indian Affairs, on June 30, 1956, held 594,807 acres of Indian lands acquired by purchase, donation, and transfer.

Privately owned lands have been acquired as national parks or national monuments, or to round out public domain areas set aside at national parks or monuments. The National Park Service administered 3,501,969 acres of acquired lands as of June 30, 1956.

Wildlife Refuges have been established or augmented by condemnations and purchases, as well as by reservation or withdrawal of public lands. The first purchase of land for a wildlife refuge was for a bison range on the Flathead Indian Reservation in 1909. General purchase authority was granted by the Congress in the Norbeck-Andersen Act of 1929. Extensive areas were added in the 1930's from lands purchased as submarginal lands.

Acquired lands administered by the Fish and Wildlife Service as of June 30, 1956, aggregated 2,770,646 acres. These lands for the most part are considered incapable of sustained use as cropland because of wetness, dryness, or accelerated erosion.

Lands acquired under the reclamation program and administered by the Bureau of Reclamation totaled 1,538,016 acres as of June 30, 1956. The Atomic Energy Commission administered 667,926 acres and the Tennessee Valley Authority held 740,030 acres as of June 30, 1956.

All lands acquired by Federal agencies by purchase, donation, or transfer amounted to 50,082,229 acres throughout the world as of June 30, 1956, compared with 724,504,778 acres of public domain (reserved and unreserved) held on that date in continental United States and Alaska.

Federally owned real property outside the continental United States as of the same date totaled

365,082,217 acres. Defense agencies held 2,676,538 acres of this property. Civil agencies held the remaining 362,405,679 acres. The Department of Defense did not report the locations of its acreage throughout the world. However, for civil agencies, outside of Alaska, Federal holdings were as follows: North America, 405,868 acres; South America, 52 acres; Europe, 798 acres; Africa, 932 acres; Asia, 1,272 acres; Australasia, 743 acres; Pacific Islands, 17,000 acres; Hawaii, 197,359 acres; and Wake Island, 2,600 acres.

In foreign countries, civil agencies of the United States held 5,150 acres, including Department of State, 2,008 acres; United States Information Agency, 1,949 acres; and General Services Administration, 1,187 acres. These lands were used for office building locations, 300 acres; harbor and port terminals, 56 acres; and housing, 1,360 acres. Other land and vacant land total 3,434 acres.

Centralized records of public domain of the United States are maintained by the Bureau of Land Management of the Department of the Interior. Records of acquired lands are maintained by the various acquiring or administering agencies. Inventory reports of federally owned real estate are prepared annually as of the end of each fiscal year and are issued early in each session of the Congress. The General Services Administration, in collaboration with the General Accounting Office, develops and supervises agency procedures for the maintenance of real property accounts and the reporting of inventory data.

By means of inventory reports and exchange of information, Federal agencies are able to avoid unnecessary acquisitions, effect economies through joint uses, facilitate transfers or exchanges of administration, and return surplus federally acquired lands to private ownership. **End**

## ACTIVE ACRES

(Continued from page 11)

subject to the public land laws.

The bill would authorize the Secretary of the Interior to:

1. Study and enter into cooperative agreements in carrying out his responsibilities on Bureau of Land Management administered public lands.
2. Modernize provisions for the payment of fees required as service charges.
3. Use forfeited deposits to rehabilitate lands damaged by defaulting timber purchasers.
4. Accept donations for improvement or management of public lands under his jurisdiction.
5. Require users of BLM roads or trails to deposit sufficient money for adequate maintenance.

**End**



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**CANVAS JACKETS.** To avoid sudden exposure and chill these freshly shorn ewes in the Aleutian Islands of Alaska have been outfitted with fitted canvas jackets. Similar protective covering is provided young lambs.